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11
12 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
13 **SAN JOSE DIVISION**

14 MAXIMILIAN KLEIN and SARAH
GRABERT, individually and on behalf of all
15 others similarly situated,

16 *Plaintiffs,*

17 vs.

18 FACEBOOK, INC., a Delaware corporation
19 headquartered in California,

20 *Defendant.*

Case No. 5:20-cv-08570-LHK

**PLAINTIFFS' RESPONSE REGARDING
NON-PARTIES VICKIE SHERMAN,
LEZAH NEVILLE-MARRS, KATHERINE
LOOPERS, AND JARRED JOHNSON'S
MOTION TO RELATE *SHERMAN* CASE
TO *KLEIN* CASE**

PLAINTIFFS' RESPONSE PURSUANT TO LOCAL RULE 3-12(e)

On December 10, 2020, Defendant Facebook, Inc. (“Facebook”) filed a motion for administrative relief requesting that Judge Freeman consider whether this case—*Maximilian Klein, et al., v. Facebook, Inc.*, Case No. 5:20-cv-08570-LHK—should be related to *Reveal Chat Holdco LLC, et al., v. Facebook, Inc.*, 5:20-cv-00363-BLF. *Reveal Chat*, Dkt. 85. Plaintiffs in this case (“Plaintiffs”) oppose that motion. *Reveal Chat*, Dkt. 86. As explained in Plaintiffs’ opposition to Facebook’s motion to relate *Klein* to *Reveal Chat*, *Klein* and *Reveal Chat* are not related because the cases differ in many material respects. Plaintiffs lodged copies of Facebook’s motion and their opposition with this Court. Dkt. 16. Facebook’s motion to relate *Klein* to *Reveal Chat* is currently pending before Judge Freeman.

On December 16, 2020, Facebook filed a second motion for administrative relief requesting that Judge Freeman consider whether later-filed cases—including *Sherman v. Facebook, Inc.*, No. 3:20-cv-08721-LB—should also be related to *Reveal Chat*. *Reveal Chat*, Dkt. 87. Plaintiffs filed an opposition to that motion to the extent it referenced this case, and Plaintiffs lodged copies of Facebook’s second motion and their opposition with this Court. Dkt. 17. The *Sherman* plaintiffs oppose Facebook’s motion to relate *Sherman* to *Reveal Chat*, *Reveal Chat*, Dkt. 94, and Facebook’s motion to relate *Sherman* to *Reveal Chat* is also currently pending before Judge Freeman.

On December 21, 2020, the *Sherman* plaintiffs, non-parties in this case, filed a motion for administrative relief requesting that this Court consider whether the later-filed *Sherman* case is related to the *Klein* case. *See* Dkt. 19 (“Mot.”).

With respect to the proper assignment of *Klein*, Plaintiffs maintain that *Klein* is not related to *Reveal Chat* given the many material differences between them. Regarding the assignment of *Sherman*, Plaintiffs do not oppose the *Sherman* plaintiffs’ motion to relate their later-filed *Sherman* case to *Klein* rather than to *Reveal Chat*.

Dated: December 28, 2020

Respectfully submitted,

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ATTESTATION OF ADAM B. WOLFSON

This document is being filed through the Electronic Case Filing (ECF) system by attorney Adam B. Wolfson. By his signature, Mr. Wolfson attests that he has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

Dated: December 28, 2020

By /s/ Adam B. Wolfson
Adam B. Wolfson

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of December 2020, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System, causing the document to be served on all attorneys of record in this case.

By /s/ Adam B. Wolfson
Adam B. Wolfson